

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DAVID J. BOSHEA

*

Plaintiff,

*

Case No. 1:21-CV-00309-ELH

v.

*

COMPASS MARKETING, INC.

*

Defendant.

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* * * * *

**MOTION FOR EXTENSION TO FILE PROPOSED JOINT PRETRIAL ORDER, VOIR
DIRE, JURY INSTRUCTIONS, AND VERDICT SHEET**

Defendant Compass Marketing, Inc. (Compass Marketing), by and through its undersigned counsel, respectfully requests that the Court extend the time to file the proposed joint pretrial order, proposed joint voir dire, proposed joint jury instructions, and proposed joint verdict sheet to March 17, 2025. In support, Compass Marketing states as follows:

1. Pursuant to the Court's January 14, 2025 Order (ECF 296), the proposed joint pretrial order, proposed joint voir dire, proposed joint jury instructions, and proposed joint verdict sheet are due by 5:00 p.m. on March 7, 2025.

2. Pursuant to Local Rule 106.3, "the plaintiff shall serve a copy of a draft [of the pretrial order and other documents] upon opposing counsel fourteen (14) days before the proposed pretrial order is due to be filed." Mr. Jordan did not submit anything to Compass Marketing on February 21, 2025, which is when the draft was due.¹

¹ Former Plaintiff David J. Boshea passed away on January 28, 2025. Mr. Jordan, Mr. Boshea's counsel, has represented to Compass Marketing for weeks that he will be representing the Estate of David J. Boshea, but, as of the time of this filing, no motion for substitution of parties pursuant to Rule 25 of the Federal Rules of Civil Procedure has been filed. Thus, as of this filing, it appears that Mr. Jordan/Plaintiff is not able to file or formally join in this Motion or file any of the pretrial submissions noted above.

3. On February 26, 2025, counsel for Compass Marketing emailed the following to Mr. Jordan:

Hi Greg,

When can we expect a draft of the pretrial order? Pursuant to Local Rule 106.3, the initial draft was supposed to be sent by last Friday.

Let us know, thank you.

4. Mr. Jordan did not respond to the February 26, 2025 email or otherwise communicate with counsel for Compass Marketing regarding the pretrial submissions until yesterday, Thursday, March 6, 2025, at 12:17 PM, when he sent a draft of the proposed pretrial order for review and stated that he would be sending a draft of the jury instructions “later today.” By this point, however, counsel for Compass Marketing had begun working on its own drafts of filings to submit to the Court, assuming it would be filing such documents unilaterally, rather than jointly.

5. In response to Mr. Jordan’s email, counsel for Compass Marketing responded at 1:27 PM on Thursday March 6, 2025, raising the concern that a motion for substitution has not been filed and whether Mr. Jordan could “proceed to file any pretrial documents at this time.” Additionally, counsel for Compass Marketing brought up the fact that the draft was due “nearly two weeks ago,” and there was not sufficient time to prepare the joint pretrial documents in order to file by 5:00 PM on March 7, 2025. Counsel for Compass Marketing stated that they were willing to work with Mr. Jordan (as counsel is supposed to do, per the Local Rules) and proposed that he prepare a consent motion to extend the deadlines, in order to allow enough time to prepare the documents and work together on making a joint submission.

6. At 4:48 PM on Thursday, Mr. Jordan emailed a draft of the proposed jury instructions, but did not otherwise respond to Compass Marketing's request regarding extending the deadlines to file the pretrial documents.

7. Counsel for Compass Marketing emailed Mr. Jordan at 5:01 PM on Thursday and thanked him for sending the proposed jury instructions, but reiterated the parties would not be ready to file by 5:00 PM on Friday, March 7, 2025 and again asked if Mr. Jordan would agree to the proposal of filing a consent motion to extend the deadlines, to which Mr. Jordan replied "Send me the motion."

8. There exists good cause to extend the deadline. Namely, the proper party to this lawsuit has not been substituted. Further, an extension will allow the parties (assuming a proper party is substituted) to work together to agree on as much as possible, rather than submitting completely different sets of pretrial documents.

9. An extension at present will not change the pretrial conference date of March 26, 2025 or the trial schedule in this case.

10. Mr. Jordan has reviewed the contents of this Motion and initially consented to the relief requested herein, but did not consent to the Motion as written, specifically the inclusion of paragraphs 3 through 7 (and, instead, only wanted to include a paragraph that identified his transmission of the draft on March 6). Compass Marketing advised Mr. Jordan that it would not be accurate to remove the paragraphs Mr. Jordan wanted to omit and that Compass Marketing planned to file the Motion as its own motion but note that Mr. Jordan consented to the relief requested herein and not the substance of certain paragraphs. Mr. Jordan then responded by noting he no longer consents to the Motion.

WHEREFORE, for the foregoing reasons, the Court should grant Compass Marketing's Motion for Extension to File Proposed Joint Pretrial Order, Voir Dire, Jury Instructions, and Verdict Sheet and extend the deadline to March 17, 2025.

Dated: March 7, 2025

Respectfully submitted,

/s/Stephen B. Stern

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Compass Marketing, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of March, 2025, the foregoing Motion for Extension to File Proposed Joint Pretrial Order, Voir Dire, Jury Instructions, and Verdict Sheet was served via the CM/ECF system on the following counsel of record:

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